



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5657-99

13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 16 August 1942 at the age of 18. Your record reflects that you served for a year without incident until on 31 August 1944 when you received captain's mast (CM) for one day of unauthorized absence (UA). The punishment imposed was confinement on bread and water for three days.

Your record also reflects that on 1 May 1944 you were convicted by summary court-martial (SCM) of an 18 day period of UA and sentenced to confinement on bread and water for 20 days and a \$132 forfeiture of pay. However, this sentence was not served because on 7 May 1944 you began another period of UA. On 10 July 1944 you were convicted by general court-martial (GCM) of breaking restriction and a 45 day period of UA. You were sentenced to confinement for nine months, reduction in rate, and a probationary bad conduct discharge (BCD).

Your record further reflects that on 1 November 1944 you were restored to duty. On 12 February 1945 you received CM for a 69 day period of UA and were sentenced to reduction in rate and

confinement. The suspended BCD, awarded at 10 July 1944, was also vacated at this time.

The BCD was subsequently approved at all levels of review and ordered executed. On 24 April 1945 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contentions that you only went UA after your request for leave to take care of your wife and child was denied, and that the court-martial and six months of confinement were too severe for your short period of UA which totalled 16 days. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent and lengthy periods of UA during time of war. The Board also noted that you even after you were given clemency in the form of a suspended BCD, your misconduct continued. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director